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1 2 3	AARON D. FORD Attorney General Heather D. Procter (Bar No. 8621) Chief Deputy Attorney General Erica Berrett (Bar. No. 13826)		
4	Deputy Attorney General State of Nevada Office of the Attorney General 555 E. Washington Ave., Ste. 3900		
5			
6	Las Vegas, NV 89101 (702) 486-3110 (phone)		
7	(702) 486-2377 (fax) EBerrett@ag.nv.gov		
8	Attorneys for Respondents		
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
11	TIMMY JOHN WEBER,	Case No. 3:11-cv-00104-RFB-WGC	
12	Petitioner,	UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE	
13	VS.	RESPONSE TO THIRD AMENDED PETITION (ECF NO. 79)	
14	WILLIAM GITTERE, et al.,	(SECOND REQUEST)	
15	Respondents.	(DEATH PENALTY)	
16			
17	Respondents move this Court for an enlargement of time of forty-five (45) days from the current		
18	due date of November 30, 2021, up to an including January 14, 2022, in which to file their Response to		
19	Timmy John Weber's Third Amended Petition for Writ of Habeas Corpus (ECF No. 79). This Motion is		
20	made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the		
21	attached declaration of counsel. This is the second enlargement of time sought by Respondents to file the		
22	response to the Third Amended Petition, and the request is brought in good faith and not for the purpose		
23	of delay.		
24	DATED: November 29, 2021.		
25	Submitted by:		
26	AARON D. FORD		
27		ney General	
28	By: <u>/s/ Erica Berrett</u> Erica Berrett (Bar. No. 13826) Deputy Attorney General		
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**DECLARATION OF ERICA BERRETT** 

2 STATE OF NEVADA ) s. 3 COUNTY OF CLARK )

I, ERICA BERRETT, being first duly sworn under oath, deposes and states as follows:

- 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Timmy John Weber v. William Gittere, et al.*, Case No. 3:11-cv-00104-RFB-WGC, and as such, have personal knowledge of the matters contained herein.
  - 2. This Motion is made in good faith and not for the purpose of delay.
- 3. The deadline to file the response to the Third Amended Petition (ECF No. 79) is November 30, 2021.
- 4. Since Respondents' previous motion for enlargement, I have had to work on several other federal habeas matters, including filing a motion to dismiss petition for writ of habeas corpus in *Randolph v. Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF; a motion to dismiss in *Pritchett v. Gentry, et al.*, Case No. 2:17-cv-01694-JAD-CWH; a motion to dismiss in *Marquez v. Neven, et al.*, Case No. 2:20-cv-00073-RCJ-WGC; a motion to dismiss in *Holman v. Johnson, et al.*, Case No. 2:21-cv-00266-APG-NJK; and a reply to motion to dismiss in *Marquez v. Neven, et al.*, Case No. 2:20-cv-00073-RCJ-WGC. I have also been working on a motion to dismiss in *Navarrette v. Johnson, et al.*, Case No. 2:20-cv-02061-APG-DJA.
- 5. Although I had set aside time to work on the response to Petitioner's Third Amended Petition, I had to adjust my schedule based on the Ninth Circuit Court of Appeals setting my oral argument in the matter *Sempier v. Baker, et al.*, Case No. 20-17249/3:18-cv-00465-RCJ-WGC. Oral argument was scheduled for December 10, 2021. Preparation for oral argument consumed my time over recent weeks, and I only learned late on November 24, 2021 that the matter has now been submitted on the briefs. Therefore, I need additional time to work on Respondents' response to the Third Amended Petition.
- 6. I contacted Petitioner's counsel regarding this request, and she indicated that she does not oppose it.

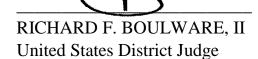
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7. Based on the foregoing, I respectfully request an enlargement of time of forty-five (45) days, up to an including January 14, 2022, in which to file the response to the Third Amended Petition (ECF No. 79).

Executed on November 29, 2021.

/s/ Erica Berrett Erica Berrett (Bar No. 13826)

IT IS SO ORDERED:



DATED this 1st day of December, 2021.

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,	CEDTIFICATE OF SEDVICE	
1	CERTIFICATE OF SERVICE	
2	I hereby certify that I electronically filed the foregoing <i>Unopposed Motion For Enlargement Op</i>	
3	Time To File Response To Third Amended Petition (ECF No. 79) (Second Request) with the Clerk of the	
4	Court by using the CM/ECF system on November 29, 2021.	
5	The following participants in this case are registered CM/ECF users and will be serve by the	
6	CM/ECF system:	
7	Heather Fraley	
8	Jocelyn S. Murphy Office of the Federal Public Defender	
9	411 E. Bonneville Ave.	
10	Suite 250 Las Vegas, NV 89101	
11		
12	/s/ M. Landreth An employee of the Office of the Attorney General	
13	This employee of the Office of the Attorney General	
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